

ESTTA Tracking number: **ESTTA746087**

Filing date: **05/12/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Oakwon Demographics LLC		
Entity	Limited Liability Company	Citizenship	New York
Address	55 Chrystie Street Suite 106 New York, NY 10002 UNITED STATES		
Attorney information	Michael F. Sarney Moritt Hock & Hamroff LLP 450 Seventh Avenue New York, NY 10123 UNITED STATES msarney@moritthock.com Phone:2122392000		

Applicant Information

Application No	86815642	Publication date	05/10/2016
Opposition Filing Date	05/12/2016	Opposition Period Ends	06/09/2016
Applicant	Mission Escape Rooms LLC 1 Melvin Avenue Annapolis, MD 21401 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Conducting live entertainment in the nature of games featuring room escape, puzzles, and team strategy

Applicant Information

Application No	86815955	Publication date	05/10/2016
Opposition Filing Date	05/12/2016	Opposition Period Ends	06/09/2016
Applicant	Mission Escape Rooms LLC 1 Melvin Avenue Annapolis, MD 21401 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Conducting live entertainment in the nature of games featuring room escape, puzzles and team strategy

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86921429	Application Date	02/26/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MISSION ESCAPE GAMES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2014/04/00 First Use In Commerce: 2014/04/00 Arranging and conducting entertainment through interactive, puzzle adventure games and challenges, namely, featuring room escape, problem solving, teamwork and strategy and social entertainment events		

U.S. Application No.	86941933	Application Date	03/16/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MISSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2014/12/16 First Use In Commerce: 2014/12/16 Arranging and conducting entertainment through interactive, puzzle adventure games and challenges, namely, featuring room escape, problem solving, teamwork and strategy and social entertainment events		

Attachments	86921429#TMSN.png(bytes) 86941933#TMSN.png(bytes) Notice of Opp Mission Escape.pdf(123929 bytes) Notice of Opp Mission Escape Rooms.pdf(125518 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/michael sarney/
Name	Michael F. Sarney
Date	05/12/2016

Oakwon Demographics LLC)	
d/b/a Mission Escape Games,)	
)	
v.)	Serial No.: 86815642
)	Filed: November 10, 2015
)	Mark: MISSION ESCAPE
Mission Escape Rooms LLC.)	Published: May 10, 2016
)	

Oakwon Demographics LLC d/b/a Mission Escape Rooms, a New York LLC, having a principal place of business located at 55 Chrystie Street, Suite 106, New York, NY 10002 (“Opposer”), believes that it will be damaged by registration of the trademark MISSION ESCAPE, in International Class 41, which is the subject of Application Serial No. 86,815,642, filed November 10, 2015, pursuant to Section 1(b) of the Trademark Act, by Mission Escape Rooms LLC (“Applicant”), and hereby opposes the same.

In support of its opposition to the registration of the aforementioned mark, Opposer alleges that:

1. Opposer is using and has continuously used the marks MISSION ESCAPE GAMES and MISSION, in interstate commerce, in connection with arranging and conducting entertainment through interactive, puzzle adventure games and challenges, namely, featuring room escape, problem solving, teamwork and strategy and social entertainment events, since at least as early as April 2014 and December 16, 2014, respectively.

2. Since 2014, Opposer has been providing a unique escape room experience at its two New York City locations to both individual and corporate customers from all over the United States. Due to Opposer's widespread and continuous use of the marks MISSION and MISSION ESCAPE GAMES, such marks have become widely recognized throughout the United States as signifying Opposer as the source of the services provided thereunder. The marks MISSION and MISSION ESCAPE GAMES are therefore symbolic of the substantial good will and consumer recognition that Opposer has established in connection with the services that it provides thereunder, and that is associated therewith.

3. Opposer therefore owns common law trademark rights in the marks MISSION and MISSION ESCAPE GAMES, in connection with the aforesaid services.

4. On February 26, 2016, Opposer filed U.S. Trademark Application Serial No. 86,921,429, for the mark MISSION ESCAPE GAMES, pursuant to Section 1(a) of the Trademark Act, for use in connection with arranging and conducting entertainment through interactive, puzzle adventure games and challenges, namely, featuring room escape, problem solving, teamwork and strategy and social entertainment events, in International Class 41.

5. On March 16, 2016, Opposer filed U.S. Trademark Application Serial No. 86,941,933, for the mark MISSION, pursuant to Section 1(a) of the Trademark Act, for use in connection with arranging and conducting entertainment through interactive, puzzle adventure games and challenges, namely, featuring room escape, problem solving, teamwork and strategy and social entertainment events, in International Class 41.

6. On November 10, 2015, Applicant filed Application Serial No. 86,815,642 (“the ‘642 Application”), pursuant to Section 1(b) of the Trademark Act, for the mark MISSION ESCAPE, for “conducting live entertainment in the nature of games featuring room escape, puzzles, and team strategy” in International Class 41.

7. The services identified in the ‘642 Application for the mark MISSION ESCAPE are the same as, or are similar to and/or are closely related to the services in connection with which Opposer uses its MISSION and MISSION ESCAPE GAMES marks, and which are covered by Opposer’s aforementioned pending trademark applications.

8. Applicant’s proposed MISSION ESCAPE mark so resembles Opposer’s MISSION and MISSION ESCAPE GAMES marks, as to be likely to cause confusion or mistake within the meaning of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. §1052(d), as amended. More particularly, Applicant’s proposed MISSION ESCAPE mark, and its use thereof for the services specified in the ‘642 Application, is likely to cause confusion on the part of, or cause mistake by, or deceive the trade and/or purchasing public into believing that the services identified in the ‘642 Application originate with Opposer, or are otherwise associated with, authorized by, licensed by, or sponsored by Opposer.

9. Opposer has priority over Applicant with respect to Opposer’s use of its MISSION and MISSION ESCAPE GAMES marks.

10. For the foregoing reasons, Opposer will be damaged, and will suffer injury to its goodwill and reputation, as symbolized by and embodied in its MISSION and

MISSION ESCAPE GAMES marks, by the registration of Applicant's proposed MISSION ESCAPE mark that is the subject of the '642 Application.

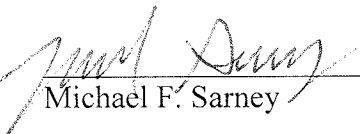
WHEREFORE, Opposer respectfully prays that the proposed MISSION ESCAPE mark that is the subject of the '642 Application be refused registration and that Opposer's opposition to the '642 Application be sustained.

Dated: May 12, 2016

Respectfully submitted,

MORITT HOCK & HAMROFF LLP
450 Seventh Avenue
15th Floor
New York, NY. 10123
Tel. (212) 239-2000

By:


Michael F. Sarney

Attorneys for Opposer

CERTIFICATE OF SERVICE

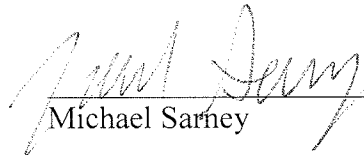
I, the undersigned, Michael Sarney, hereby certified that on the 12th day of May, 2016, I caused to be served a true and correct copy of the foregoing

NOTICE OF OPPOSITION

By U.S. Mail, by depositing the same in a depository of the United States Postal Service, on the Applicant, as follows:

Dominic J. Souza
SOUZA LLC
2543 Housley Road
Annapolis, Maryland 21401

Attorneys for Applicant


Michael Sarney

)	
Oakwon Demographics LLC)	
d/b/a Mission Escape Games,)	
)	Serial No.: 86,815,955
v.)	Filed: November 11, 2015
)	Mark: MISSION ESCAPE ROOMS
Mission Escape Rooms LLC.)	Published: May 10, 2016
)	

Oakwon Demographics LLC d/b/a Mission Escape Rooms, a New York LLC, having a principal place of business located at 55 Chrystie Street, Suite 106, New York, NY 10002 (“Opposer”), believes that it will be damaged by registration of the trademark MISSION ESCAPE ROOM, in International Class 41, which is the subject of Application Serial No. 86,815,955, filed November 11, 2015, pursuant to Section 1(b) of the Trademark Act, by Mission Escape Rooms LLC (“Applicant”), and hereby opposes the same.

1. Opposer is using and has continuously used the marks MISSION ESCAPE GAMES and MISSION, in interstate commerce, in connection with arranging and conducting entertainment through interactive, puzzle adventure games and challenges, namely, featuring room escape, problem solving, teamwork and strategy and social

entertainment events, since at least as early as April 2014 and December 16, 2014, respectively.

2. Since 2014, Opposer has been providing a unique escape room experience at its two New York City locations to both individual and corporate customers from all over the United States. Due to Opposer's widespread and continuous use of the marks MISSION and MISSION ESCAPE GAMES, such marks have become widely recognized throughout the United States as signifying Opposer as the source of the services provided thereunder. The marks MISSION and MISSION ESCAPE GAMES are therefore symbolic of the substantial good will and consumer recognition that Opposer has established in connection with the services that it provides thereunder, and that is associated therewith.

3. Opposer therefore owns common law trademark rights in the marks MISSION and MISSION ESCAPE GAMES, in connection with the aforesaid services.

4. On February 26, 2016, Opposer filed U.S. Trademark Application Serial No. 86,921,429, for the mark MISSION ESCAPE GAMES, pursuant to Section 1(a) of the Trademark Act, for use in connection with arranging and conducting entertainment through interactive, puzzle adventure games and challenges, namely, featuring room escape, problem solving, teamwork and strategy and social entertainment events, in International Class 41.

5. On March 16, 2016, Opposer filed U.S. Trademark Application Serial No. 86,941,933, for the mark MISSION, pursuant to Section 1(a) of the Trademark Act, for use in connection with arranging and conducting entertainment through interactive,

puzzle adventure games and challenges, namely, featuring room escape, problem solving, teamwork and strategy and social entertainment events, in International Class 41.

6. On November 11, 2015, Applicant filed Application Serial No. 86,815,955 (“the ‘955 Application”), pursuant to Section 1(b) of the Trademark Act, for the mark MISSION ESCAPE ROOMS, for “conducting live entertainment in the nature of games featuring room escape, puzzles, and team strategy” in International Class 41.

7. The services identified in the ‘955 Application for the mark MISSION ESCAPE ROOMS are the same as, or are similar to and/or are closely related to the services in connection with which Opposer uses its MISSION and MISSION ESCAPE GAMES marks, and which are covered by Opposer’s aforementioned pending trademark applications.

8. Applicant’s proposed MISSION ESCAPE ROOMS mark so resembles Opposer’s MISSION and MISSION ESCAPE GAMES marks, as to be likely to cause confusion or mistake within the meaning of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. §1052(d), as amended. More particularly, Applicant’s proposed MISSION ESCAPE ROOMS mark, and its use thereof for the services specified in the ‘955 Application, is likely to cause confusion on the part of, or cause mistake by, or deceive the trade and/or purchasing public into believing that the services identified in the ‘955 Application originate with Opposer, or are otherwise associated with, authorized by, licensed by, or sponsored by Opposer.

9. Opposer has priority over Applicant with respect to Opposer’s use of its MISSION and MISSION ESCAPE GAMES marks.

10. For the foregoing reasons, Opposer will be damaged, and will suffer injury to its goodwill and reputation, as symbolized by and embodied in its MISSION and MISSION ESCAPE GAMES marks, by the registration of Applicant's proposed MISSION ESCAPE ROOMS mark that is the subject of the '955 Application.


WHEREFORE, Opposer respectfully prays that the proposed MISSION ESCAPE ROOMS mark that is the subject of the '955 Application be refused registration and that Opposer's opposition to the '955 Application be sustained.

Dated: May 12, 2016

Respectfully submitted,

MORITT HOCK & HAMROFF LLP
450 Seventh Avenue
15th Floor
New York, NY. 10123
Tel. (212) 239-2000

By:


Michael F. Sarney

Attorneys for Opposer

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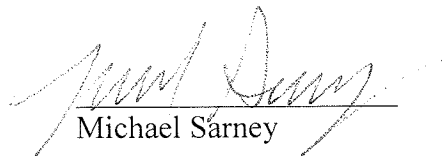
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Michael Sarney